

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

| | | |
|------------------|---|---------------------------|
| JEREMY LEE MACK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 2:19-cv-00611-JPH-MJD |
| |) | |
| RYAN SCHNARR, |) | |
| |) | |
| Defendant. |) | |

ORDER GRANTING MOTION TO DISMISS

Before the Court is the defendant's motion to dismiss for failure to prosecute. Dkt. [33]. On June 23, 2020, the Court issued a scheduling order which required the plaintiff to report any change of address within ten days. Dkt. [25]. The Indiana Department of Correction website indicates that Mr. Mack was released from prison on September 5, 2020.¹ Since that time, he has not updated his address, communicated with the Court, or complied with the deadlines in the scheduling order. It appears he has abandoned this action. As a result, the defendant has been unable to schedule Mr. Mack's deposition.

A district court may dismiss an action with prejudice "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order[.]" Fed. R. Civ. P. 41(b). Given that Mr. Mack has not participated in discovery, has failed to comply with the Court's order, has not filed anything in this action for over six months, and has not responded to the defendant's motion to dismiss, dismissal for failure to prosecute is appropriate.

The defendant's motion to dismiss, dkt. [33], is **granted**. Final Judgment in accordance with this Order shall issue.

¹ <https://www.in.gov/apps/indcorrection/ofs/ofs> (last visited February 2, 2021).

SO ORDERED.

Date: 2/3/2021

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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